

United States District Court

for the
Western District of New York



United States of America

v.

Case No. 18-mj-5113

Brendaliz Escalante

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about June 18, 2018, in the County of Erie, in the Western District of New York, the defendant, **Brendaliz Escalante**, did knowingly, intelligently, and unlawfully attempt to possess with intent to distribute a quantity of a mixture and substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 846.

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

**CHRISTOPHER OSWALD
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS**

Printed name and title

Sworn to before me and signed in my presence.

Date: June 19, 2018

Judge's signature

City and State: Buffalo, New York

**HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE**

Printed name and title

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE)
CITY OF BUFFALO) SS:

CHRISTOPHER OSWALD, a Special Agent for the United States Department of Homeland Security, Homeland Security Investigations (“HIS”), being duly sworn, deposes and states as follows:

1. I am a Special Agent (“SA”) of the United States Department of Homeland Security, Homeland Security Investigations assigned to the Special Agent in Charge Buffalo, New York. As such, I am a law enforcement officer of the United States, within the meaning of Section 115(c)(1) of Title 18, United States Code, who is “authorized by law or by Government agency to engage in or supervise the prevention, detection, investigation or prosecution of any violation of Federal criminal law.” I have been employed by HSI since January 28, 2010. I am a graduate of the Criminal Investigator Training Program (“CITP”) and the Immigration and Customs Enforcement Special Agent Training (“ICE-SAT”) program at the Federal Law Enforcement Training Center (“FLETC”) in Glynco, Georgia. As a federal law enforcement officer, I have received formal, as well as on-the-job training, relative to narcotics smuggling, controlled substances, money laundering, bulk cash smuggling, and other crimes that have resulted in arrests, indictments, and convictions. As the case agent, I am fully familiar with the facts of this case.

2. I am aware it shall be unlawful for any person knowingly or intentionally to manufacture, import, distribute, or dispense, or possess with intent to manufacture, distribute,

or dispense, a controlled substance. I am also aware that cocaine is a Schedule II listed controlled substance as per Title 21 of the United States Code.

3. I make this affidavit in support of a criminal complaint charging Brendaliz ESCALANTE with violating Title 21, United States Code, Section 846 (Attempt to Possess Cocaine with intent to distribute). The information in the affidavit is based on my personal knowledge and upon reports and information received from other law enforcement officers. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included every fact I have learned during this investigation.

FACTUAL BASIS

4. On June 15, 2018, HSI Buffalo, New York Border Enforcement Security Task Force ("BEST") and the U.S. Postal Inspection Service ("USPIS") Buffalo initiated an investigation into a cocaine trafficking organization that sends cocaine from Puerto Rico to the Western District of New York via U.S. Postal Service Priority Mail Parcels.

5. On or about June 11, 2018, during a routine review of incoming mail, U.S. Postal Inspectors in Buffalo, New York were alerted to a Priority Mail parcel addressed to "Brendaliz Escalante, 87 Laird Ave. Apt 1, Buffalo, NY 14207" with the return address of "Victor Garcia, RR 36 Box 8495, San Juan, PR 00926." The U.S. Postal Inspectors deemed the parcel suspicious, as it shared characteristics with packages found to contain narcotics as well as its origination in Puerto Rico, which is a known source location for narcotics. On June 12, 2018, a Buffalo Police Narcotics Detection K9 conducted a drug sniff of the parcel, as requested by U.S. Postal Inspectors, and subsequently alerted to a trained odor emanating from the parcel.

6. On June 14, 2018, USPI Brian Richards applied for and was granted a Federal warrant in the Western District of New York by the Honorable Jonathan W. Feldman, United States Magistrate Judge, authorizing the search of the Priority mail parcel. On June 14, 2018, USPI Richards executed the search of the parcel and discovered, concealed inside the parcel, approximately 3,022 grams of white powdery substance which field-tested positive for cocaine.

7. On June 18, 2018, HSI BEST Special Agents (“SAs”) and Task Force Officers (“TFOs”) conducted a controlled delivery of the priority mail parcel to the address listed on the package: “Brendaliz Escalante, 87 Laird Ave. Apt 1, Buffalo, NY 14207.” Prior to the controlled delivery, law enforcement replaced the cocaine discovered in the parcel with an equal quantity of “sham.” At approximately 1318 hours, a US Postal Inspector acting in an undercover capacity delivered the parcel containing the sham to the parcel’s address. The Postal Inspector knocked on the front door and a female, later identified as Xiomara Escalante, greeted the Postal Inspector, accepted the package, and took it into the residence.

8. At approximately 1730 hours, law enforcement executed a search of 87 Laird Ave., Lower Apt., Buffalo, New York 14207 pursuant to a Federal Search warrant issued in the Western District of New York by the Honorable Michael J. Roemer. Law enforcement subsequently encountered Xiomara Escalante inside of the residence and located the priority mail parcel containing the quantity of “sham” cocaine, which was placed inside a shopping bag and hidden behind a sofa in the front living area.

9. Xiomara Escalante, in post-Miranda statements, admitted knowledge of controlled substances inside of the parcel and stated that her sister, Brendaliz ESCALANTE, had asked her to accept the package for her earlier that day.

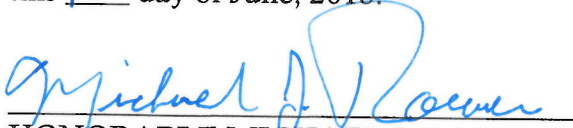
10. At approximately 1915 hours, law enforcement observed a person, later identified as Brendaliz ESCALANTE, arrive at 87 Laird Ave., Buffalo, New York 14207. Law enforcement encountered Brendaliz ESCALANTE. Subsequently, Brendaliz ESCALANTE, in post-Miranda statements, admitted to knowing that controlled substances were being sent to her via the U.S. Postal Service and to receiving approximately \$500 each time the parcels were sent to her residence.

WHEREFORE, based on the foregoing, I submit that there is probable cause to believe that Brendaliz ESCALANTE attempted to possess with the intent to distribute 500 grams or more of a mixture and substance containing cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), all in violation of Title 21, United States Code, Section 846.


CHRISTOPHER OSWALD
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me

this 19th day of June, 2018.


HONORABLE MICHAEL J. ROEMER
United States Magistrate Judge